

REMARKS

The present Amendment amends claims 1-11. Therefore, the present application has pending claims 1-11.

35 U.S.C. §112 Rejections

Claims 2-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Amendments were made to claims 2 and 3 to bring them into conformity with the requirements of 35 U.S.C. §12, second paragraph. Therefore, reconsideration and withdrawal of the rejections of claims 2-4 under 35 U.S.C. §112, second paragraph is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0158632 to Nierlich, et al. ("Nierlich"). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claims 1-11, are not taught or suggested by Nierlich, whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdrawn this rejection.

Amendments were made to the claims to more clearly describe the features of the present invention. Specifically, amendments were made to the claims to more clearly describe that the present invention is directed to a method for controlling at least one electric power-consuming apparatus or electric power generating

apparatus and a method for controlling electric power equipment as recited, for example, in independent claims 1, 2 and 5.

Claim 1

The present invention, as recited in claim 1, provides a method for controlling at least one electric power-consuming apparatus or electric power generating apparatus constituting an electric power facility linked to an electric power system. The method includes the steps of communicating with the outside of the electric power facility, monitoring the current time, achieving synchronization with the time of the outside, and receiving a control schedule for the electric power-consuming apparatus or electric power generating apparatus. The method also includes a step of implementing the control schedule in accordance with the time obtained in the step of monitoring the current time. The prior art does not disclose all these features.

The above described features of the present invention, as now more clearly recited in claim 1, are not taught or suggested by any of the references of record, particularly Nierlich, whether taken individually, or in combination with any of the other references of record.

Nierlich discloses a system and method for monitoring and controlling energy distribution. However, there is not teaching or suggestion in Nierlich of a method for controlling at least one electric power-consuming apparatus or electric power generating apparatus, as recited in independent claim 1.

The Nierlich system and method controls the balance between power demand and power supply, using a public network such as the Internet. The system and method includes a pricing system provides an incentive to the customer to control the customer's demand based on a link between power supply systems such as distributed power supplies, and an intelligent meter system having communications capability in view of instantaneous demand-supply balance. The pricing system functions as an indirect controlling means such that the power demand can be expected to be commensurate with the supply capabilities of the power generating facility that exists in the neighborhood area.

In the present invention, the method, as recited in claim 1, provides a step of receiving a control schedule for the electric power-consuming apparatus or electric power generating apparatus, and further provides a step of implementing the control schedule in accordance with the time obtained from monitoring the current time. Nierlich does not disclose these features. To support the assertion that Nierlich teaches these features, the Examiner alleges that the claimed structure does not distinguish over Nierlich, and the Examiner further cites paragraph [0050]. First, the Examiner is reminded that apparatus claims — not method claims — must be structurally distinguishable from the prior art (see MPEP 2114), and claim 1, as now more clearly recited, is directed to a method. Next, the cited text does not disclose the features of the present invention, as now more clearly recited in the claims. For example, as described in paragraph [0050] and as shown in Fig. 1, Nierlich discloses a network access device 4 (E1-2000) connected to an Internet service provider 12

(ISP). The E1-2000 connects to the ISP at scheduled callback intervals, which establish a standard schedule of connections between the E1-2000 and a management device 10. According to this schedule, the E1-2000 automatically connects to the management device at programmed time intervals at which the E1-2000 uploads all of the meter and operating data to the management device. This is quite different from the step of receiving a control schedule for the electric power-consuming apparatus or electric power generating apparatus, or the step of implementing the control schedule in accordance with the time obtained, as in the present invention.

Therefore, Nierlich fails to teach or suggest “receiving a control schedule for the electric power-consuming apparatus or electric power generating apparatus” as recited in claim 1.

Furthermore, Nierlich fails to teach or suggest “implementing the control schedule in accordance with the time obtained in the step of monitoring the current time” as recited in claim 1.

Claims 2-4

The present invention, as recited in claim 2, provides a method for controlling electric power equipment in an electric power facility linked to an electric power system. The method includes a step of receiving the contents of control of the electric power equipment and a control schedule concerning the time of implementation of the control contents, the control contents being transmitted from the outside of the electric power facility. The method also includes the steps of

monitoring the current time and outputting a control instruction based on the control schedule received to the electric power equipment, in accordance with the time monitored. The prior art does not disclose all these features.

The above described features of the present invention, as now more clearly recited in claim 1, are not taught or suggested by any of the references of record, particularly Nierlich, whether taken individually, or in combination with any of the other references of record.

As previously discussed, Nierlich discloses a system and method for monitoring and controlling energy distribution. However, there is not teaching or suggestion in Nierlich of a method for controlling electric power equipment in an electric power facility, as recited in claims 2-4.

The present invention, as recited in claim 2, includes a step of receiving the contents of control of electric power equipment and a control schedule concerning the time of implementation of the control contents, the control contents being transmitted from the outside of the electric power facility. Nierlich does not disclose these features. To support the assertion that Nierlich teaches these features, the Examiner alleges that the claimed structure does not distinguish over Nierlich, and the Examiner further cites paragraph [0050]. First, the Examiner is reminded that apparatus claims — not method claims — must be structurally distinguishable from the prior art (see MPEP 2114), and claim 2, as now more clearly recited, is directed to a method. Next, the cited text does not disclose the features of the present invention, as now more clearly recited in the claims. For example, as described in

paragraph [0050] and as shown in Fig. 1, Nierlich discloses a network access device 4 (E1-2000) connected to an Internet service provider 12 (ISP). The E1-2000 connects to the ISP at scheduled callback intervals, which establish a standard schedule of connections between the E1-2000 and a management device 10. According to this schedule, the E1-2000 automatically connects to the management device at programmed time intervals at which the E1-2000 uploads all of the meter and operating data to the management device. As such, Nierlich does not disclose receiving contents of the control of the electric power equipment and a control schedule concerning the time of implementation of the control contents, in the manner claimed.

Another feature of the present invention, as recited in claim 2, includes a step of outputting a control instruction based on the control schedule received to the electric power equipment, in accordance with the current time monitored. Nierlich does not disclose this feature. To support the assertion that Nierlich discloses this feature, the Examiner alleges that the claimed structure does not distinguish over Nierlich, and the Examiner further cites paragraph [0050]. First, the Examiner is reminded that apparatus claims — not method claims — must be structurally distinguishable from the prior art (see MPEP 2114), and claim 2, as now more clearly recited, is directed to a method. Next, the cited text does not disclose the features of the present invention, as now more clearly recited in the claims. For example, the cited text does not disclose outputting a control instruction to the electric power equipment, based on the control schedule received, in the manner claimed.

Therefore, Nierlich fails to teach or suggest “receiving the contents of control of the electric power equipment and a control schedule concerning the time of implementation of the control contents, the control contents being transmitted from the outside of the electric power facility” as recited in claim 2.

Furthermore, Nierlich fails to teach or suggest “outputting a control instruction based on the control schedule received to the electric power equipment, in accordance with the current time monitored” as recited in claim 2.

Claims 3 and 4 are dependent on claim 2. Therefore, claims 3 and 4 are allowable for at least the reasons previously discussed regarding independent claim 2.

Claims 5-11

The present invention, as recited in claim 5, provides a method for controlling electric power equipment in an electric power facility. The method includes a step of storing information about the electric power equipment in a plurality of electric power facilities linked to an electric power system, and information about the electric power system. The method also includes a step of creating a control schedule using the information about the electric power equipment in the electric power facilities and the information about the electric power system, the control schedule pertaining to the contents of control of the electric power equipment in the electric power facilities and the time of implementation of the control contents. The method also includes a step of transmitting the created control schedule to the electric power facilities. The prior art does not disclose all these features.

The above described features of the present invention, as now more clearly recited in claim 1, are not taught or suggested by any of the references of record, particularly Nierlich, whether taken individually, or in combination with any of the other references of record.

As previously discussed, Nierlich discloses a system and method for monitoring and controlling energy distribution. However, there is not teaching or suggestion in Nierlich of a method for controlling electric power equipment in an electric power facility, as recited in claims 5-11.

The method of the present invention, as recited in claim 5, includes a step of creating a control schedule using information about the electric power equipment in the electric power facilities and the information about the electric power system, where the control schedule pertains to the contents of control of the electric power equipment in the electric power facilities and the time of implementation of the control contents. Nierlich does not disclose this feature. To support the assertion that Nierlich discloses this feature, the Examiner alleges that the claimed structure does not distinguish over Nierlich, and the Examiner further cites paragraph [0050]. First, the Examiner is reminded that apparatus claims — not method claims — must be structurally distinguishable from the prior art (see MPEP 2114), and claim 5, as now more clearly recited, is directed to a method. Next, the cited text does not disclose the features of the present invention, as now more clearly recited in the claims. For example, Nierlich discloses the establishment of a standard schedule of connections between the network access device (E1-2000) and the management

device, and where the E1-2000 uploads all of its meter and operating data to the management device at programmed intervals, according to the standard scheduled. This is not the same as creating a control schedule using information about the electric power equipment in the electric power facilities and the information about the electric power system, where the control schedule relates to the contents of the control of the electric power equipment in the electric power facilities and the time of implementation of the control contents, in the manner claimed.

Therefore, Nierlich fails to teach or suggest “creating a control schedule using the information about the electric power equipment in the electric power facilities and the information about the electric power system, the control schedule pertaining to the contents of control of the electric power equipment in the electric power facilities and the time of implementation of the control contents” as recited in claim 5.

Claims 6-11 are dependent on claim 5. Therefore, claims 6-11 are allowable for at least the reasons previously discussed regarding independent claim 5.

Therefore, Nierlich fails to teach or suggest the features of the present invention, as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-11 are respectfully requested.

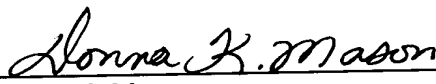
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1-11.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-11 are in condition for allowance. Accordingly, early allowance of claims 1-11 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 1021.43058X00).

Respectfully submitted,

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